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REMARKS

The noted error in Example 2 mentioned in the Further Arguments in Support of Patentability filed May 27, 2003 and requested to be corrected by the Examiner in the Final Rejection has been corrected.

The rejection of claims 1 and 4 to 9 under 35 USC 103 as unpatentable over Oshima '997 in view of Kanto et al. '112 is respectfully traversed.

Applicants have argued and continue to argue that the working and comparative examples in the application establish the patentability of the claimed subject matter. As noted in the paragraph bridging pages 1 and 2 of the Further Arguments paper previously filed, applicants have discovered that by controlling both the quantity of microsilica and the coefficient between the surface of the protective layer and the surface of an image-receiving sheet prior to thermal transfer within the designated (claimed) ranges for the coefficient of static friction and coefficient of dynamic friction, advantages result not achievable by the prior art. Applicants' ranges and values are not those shown in the references (one range may embrace another range but

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the ranges are not the same) and the present invention is indeed a selection invention.

The Examiner's comments in the Response to Arguments section in the Final Rejection are noted. Applicants appreciate the thoroughness of the evaluation, but respectfully submit that each and all of the comparative examples must be assessed when evaluating patentability here. Applicants respectfully submit that Comparative Examples 1 and 3 are relevant to an evaluation of the patentability of the instant claims.

Further in support of the patentability of claims 1 and 4 to 9, applicants enclose a Declaration Under 37 CFR 1.132 of Kenichi Hirota (the present paper is unexecuted; the executed document will be submitted upon receipt).

Mr. Hirota is familiar with the prosecution history (see Section 3) and reports on tests undertaken to establish the criticality of the claimed microsilica content range in the adhesive layer; see Section 4.

Mr. Hirota then reports at Section 5 tests undertaken based upon working Example 1 with variation of the microsilica in the adhesive layer of 3%, 12% and 20% by weight. The slip property and

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the transparency of the protective layer were evaluated. The Examiner is referred particularly to the discussion at pages 2 to 5 of that Declaration as well as the conclusions reached and stated in Section 6 on page 5. Mr. Hirota explains that measurements of optical density (OD) in 15 graded steps shows an unexpected reduction in the OD value at the fifteenth step (the darkest level) when the microsilica content is 12% or more. He states thusly that "the deterioration of transparency of the printed image critically appears at the level of STEP 15." He concludes in Section 6 that the claimed values "are critically important to obtain a protective layer transfer sheet being excellent both in (i) improvement of carrying property in a thermal printer and (ii) transparency of the protective layer which covers the surface of the printed image." (Original emphasis.)

In view of the foregoing revisions, submissions and remarks, it is respectfully submitted that claims 1 and 4 to 9 patentably define over the art and a USPTO paper to those ends is earnestly solicited.

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The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

It is noted that the federal government was closed September 18 and 19, 2003 due to Hurricane Isabel. This reply is being filed the next business day and thus is timely.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

Charles A. Wendel
Registration No. 24,453

Date

CAW/ch
Enclosure:
    Declaration Under 37 CFR 1.132
    (Unexecuted)

Attorney Docket No.: DAIN:563

PARKHURST & WENDEL, L.L.P.
1421 Prince Street, Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220

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